

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7647

Petition of Penn Energy Trust, LLC, for a certificate of )  
public good, pursuant to 30 V.S.A. § 248, authorizing the )  
installation and operation of a 2.2 MW solar electric )  
generation facility located at the southeast corner of the )  
intersection of Route 103 and Route 7 in Clarendon, )  
Vermont )

Order entered: 8/1/2011

**REVISED SCHEDULING ORDER**

On May 3, 2010, Penn Energy Trust, LLC ("Penn Energy"), filed a petition with the Public Service Board ("Board") requesting a certificate of public good ("CPG") under 30 V.S.A. § 248 to install and operate a 2.2 MW solar electric generation facility located at the southeast corner of the intersection of Route 103 and Route 7 in Clarendon, Vermont.

On August 27, 2010, I held a prehearing conference in this Docket. At the prehearing conference, Penn Energy stated that it did not want to schedule formal proceedings at the time and that it would work with State agencies and adjoining landowners in an informal process. In addition, Penn Energy stated that it was third on the standard-offer program's waiting list and anticipated securing a standard-offer contract.<sup>1</sup> On September 2, 2010, I issued a Prehearing Conference and Scheduling Order, which allowed the parties to forgo the adoption of a formal schedule and, instead, file a joint status report on or before November 15, 2010.

On December 3, 2010, Penn Energy filed a status report, which was previously circulated to the parties, with the Board. The status report stated that Penn Energy was still on the waiting list for the solar standard-offer queue and requested that Penn Energy's petition continue to

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1. For more information about the standard-offer program, visit the VermontSPEED website at <http://vermontspeed.com>.

remain "'on hold' until the earlier of May 30, 2011, the date the Board will revisit the technology caps, or until . . . [Penn Energy] receives a standard-offer contract." All the parties consented to Penn Energy's request. On December 14, 2010, the Clerk of the Board issued a memorandum granting Penn Energy's request to allow its petition to remain "on hold" until May 30, 2011, at which time Penn Energy and the parties were requested to file an updated joint status report.

On June 8, 2011, Penn Energy sent an e-mail to the Clerk of the Board stating that Penn Energy received a standard-offer contract on May 30, 2011, and wished to continue pursuing its petition for a CPG.

On June 30, 2011, I held a telephone conference with the parties to discuss adopting a formal schedule for this Docket. During the telephone conference, Penn Energy stated that it would be filing additional information to support its petition regarding the overall project description and several Section 248 criteria and the parties developed the schedule below, which I adopted in an Order issued July 8, 2011:

July 26, 2011	Site Visit and Public Hearing
August 2, 2011	Deadline for Motions to Intervene
August 9, 2011	Responses to Motions to Intervene
August 9, 2011	Initial Discovery Served on Penn Energy
August 23, 2011	Responses to Initial Discovery
August 30, 2011	Second Round Discovery Served on Penn Energy (if any)
September 6, 2011	Responses to Second Round Discovery
September 27, 2011	Parties file Stipulation, if any, OR Penn Energy files a Status Report with a proposed or stipulated schedule for the remainder of the proceeding.
October 13, 2011	Tentative Technical Hearing (if stipulation is filed)

On July 26, 2011, a site visit and a public hearing were held in Clarendon, Vermont.

On July 28, 2011, I held a telephone conference with the parties to discuss adopting a revised schedule for this Docket based on timing concerns raised during the site visit. During the telephone conference, the parties agreed to the following revised schedule, which I adopt:

August 2, 2011	Deadline for Motions to Intervene
August 9, 2011	Responses to Motions to Intervene <sup>2</sup>
August 30, 2011	New and Supplemental Testimony Filed by Penn Energy
September 13, 2011	Initial Discovery Served on Penn Energy
September 27, 2011	Responses to Initial Discovery
October 11, 2011	Second Round Discovery Served on Penn Energy (if any)
October 25, 2011	Responses to Second Round Discovery
November 11, 2011	Parties file Stipulation, if any, OR Penn Energy files a Status Report with a proposed or stipulated schedule for the remainder of the proceeding.
December 9, 2011	Tentative Technical Hearing (if stipulation is filed)

**SO ORDERED.**

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2. If intervention motions are filed prior to the August 9 Deadline for Motions to Intervene, the parties shall have seven calendar days to file a response to any such motions.

Dated at Montpelier, Vermont, this 1<sup>st</sup> day of August, 2011.

Bridgette Remington  
Bridgette Remington, Esq.  
Hearing Officer

OFFICE OF THE CLERK

FILED: August 1, 2011

ATTEST: s/ Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*